

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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Derrick LaShawn Anderson,)

Plaintiff)

vs,)

Civil Action No. 2:11-5-RMG

Nurse Cathy Jones, LPN; and)

Lt. C. Williams, #034019,)

ORDER

Defendants.)

Plaintiff brought this action *pro se* objecting to the alleged denial of medical care by Defendants which he asserts constituted deliberate indifference to serious medical needs as a prisoner in violation of the Eighth Amendment of the United States Constitution. This matter was referred to the Magistrate Judge for pretrial handling pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 73.02(B)(2)(e), D.S.C. Defendants thereafter moved for summary judgment and Plaintiff filed a response in opposition to the motion. (Dkt. Nos. 44, 51). Plaintiff also moved to strike Defendants' motion for summary judgment. (Dkt. No. 50). The Magistrate Judge issued an Amended Report and Recommendation on November 1, 2011 recommending that the Defendants' motion for summary judgment be granted and Plaintiff's motion to strike be denied. (Dkt. No. 72). Plaintiff thereafter filed an objection to the Report and Recommendation of the Magistrate Judge and Defendants filed a reply. (Dkt. Nos. 74, 75).

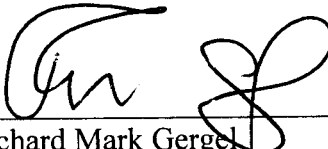
The Magistrate Judge makes only a recommendation to this Court. The recommendation

has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* review of those portions of the Report to which specific objection is made, and may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to her with instructions. 28 U.S.C. § 636(b)(1).

The Court, having reviewed the Report and Recommendation, the objection of Plaintiff, the response of Defendants, the entire record in this matter and the applicable legal standards, hereby adopts the Amended Report and Recommendation of the Magistrate Judge (Dkt. No. 72) as the order of the Court. In adopting the Magistrate Judge's Report and Recommendation, the Court finds strong support in the record that there was no deliberate indifference to any serious medical need of the Plaintiff and no violation of Plaintiff's rights under the Eighth Amendment of the United States Constitution. The Court further finds strong support for the Magistrate Judge's recommendation that summary judgment be granted on the basis of qualified immunity since Plaintiff has failed to establish a deprivation of any constitutional right. The Court also finds strong support for the Magistrate Judge's recommendation that Plaintiff's motion to strike be denied.

Therefore, the Court hereby **GRANTS** Defendants' motion for summary judgment (Dkt. No. 44) and **DENIES** Plaintiff's motion to strike (Dkt. No. 50).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

December 12, 2011
Charleston, South Carolina